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In re Application of	:	
Blum et al.	:	
Application No.: 10/506,416	:	DECISION
PCT No.: PCT/EP02/12668	:	
Int. Filing Date: 13 November 2002	:	ON
Priority Date: 16 November 2001	:	
Attorney Docket No.: 71396 PCT	:	PETITION
For: Method Of Producing Alloy Ingots	:	

This is a decision on the "Petition Under 37 CFR 1.10(E) and/or 37 CFR 1.181" filed on 31 August 2004.

BACKGROUND

This international application was filed on 13 November 2002, designated the U.S., and claimed a priority date of 16 November 2001. The International Bureau transmitted a copy of the published international application to the USPTO on 22 May 2003. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 16 May 2004.

DISCUSSION

Counsel's petition requests "that the proper steps be taken at this time to ensure that the above-identified application is afforded the National Phase entry date of May 13, 2004." In support of this request, counsel points to evidence accompanying the petition, including "a true and accurate copy of the PCT Application for attorney docket number 71396 as filed on May 13, 2004. Further enclosed is a copy of the return-receipt postcard, a copy of Applicant's attorney's Express Mail Log dated May 13, 2004 and a copy of the Express Mail Receipt dated May 13, 2004." The return postcard receipt accompanying the petition is stamped as "Rec'd PCT/PTO 13 MAY 2004." MPEP 503 states in part that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Following that practice, the basic national fee and the copies of the English translation of the international application, the Information Disclosure Statement, the preliminary amendment, and the International Search Report and 12 references itemized on the return postcard receipt and accompanying the instant petition are being accepted as copies of the respective papers filed on 13 May 2004.

It is noted that the English translation of the international application is defective in that claim 14 in the translation is dependent upon "claims 1 to 13," whereas claim 14 in the published international application appears to be dependent upon any one of claims 1-3.

CONCLUSION

The petition is **GRANTED** to the extent described above.

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b), a proper English translation of the international application, a processing fee under 37 CFR 1.492(i) and a surcharge under 37 CFR 1.492(h).



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